

IN THE HIGH COURT OF JUDICATURE AT
BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
APPEAL NO. 282 OF 2011
IN
ARBITRATION PETITION NO. 439 OF 2010

ISPL Industries Ltd.

.. Appellants

Vs.

Remi Metals Gujrat Ltd.

.. Respondents

....

Mr. Rajesh Chainani i/b M/s. S. Pathak and Co. for Appellants

Mr. Kuber Wagle i/b Purnanad & Co. for Respondents

....

CORAM: NARESH H. PATIL, C.J. &
N.M. JAMDAR, J.

DATED : JANUARY 25, 2019

P.C.:

1. The Draft amendment is placed on record. By this Draft amendment, the learned counsel for the Appellants seeks leave to add "ISPL Machine Builders Ltd." as Appellant No.2 in the Appeal and also seeks leave to change the name and address of the Respondent "Remi Metals Gujarat Ltd." to "RMG Alloy Steel Ltd." The Draft amendment is signed by the parties and

the respective counsel appearing for the parties. Both the learned counsel submit that the amendment be allowed. The amendment as sought for, is allowed accordingly. Amendment to be carried out within a period of one week from today.

2. The parties have also tendered Consent Terms consisting of 1 to 7 paragraphs, dated 25.1.2019. Paragraph 1 of the Consent Terms reads as under:

“The Respondent confirms receipt of Demand Draft Sr. No. 29797 drawn by Axis Bank Ltd. Churchgate Mumbai Branch dated 14th January, 2019 (“**Demand Draft**”) for sum of Rs.41,00,000/- (Rupees Forty One Lakhs only) from the Appellant No.2 in full and final settlement of Respondent's claim against the 1st Appellant under the Award dated 5th November, 2009 passed by the Learned Arbitral Tribunal of the Hon'ble Mr. Justice H. Suresh (Retd.)”.

3. The counsel appearing for the respective parties submit that the contesting parties are represented by the authorized signatories. The learned counsel for the parties have also signed the Consent Terms. It is prayed that the Appeal be disposed of in terms of Consent Terms. The said Consent Terms are taken on record and marked "X" for identification.

4. The counsel appearing for the Appellants submits that a Demand Draft of Rs. 41 lakhs drawn on Axis Bank, Churchgate Branch, Mumbai dated 14.1.2019 is handed over to the counsel for Respondents. The counsel for the Respondents has confirmed that he has received the said Demand Draft.

5. In view of the above, the Appeal is disposed of in terms of the Consent Terms.

N.M.JAMDAR, J.

CHIEF JUSTICE